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CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 1332

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Case No.
v.	**COMPLAINT FOR VIOLATION OF**
Miguel Dario FLOREZ Defendant.	Title 8, U.S.C., Sec. 1324(a)(2)(B)(iii) - Bringing in Alien(s) Without Presentation (Felony)

The undersigned complainant, being duly sworn, states:

That on or about **April 27, 2008**, within the Southern District of California, defendant **Miguel Dario FLOREZ**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that the alien, namely, **Luis MALDONADO-Castro**, had not received prior official authorization to come to, enter and reside in the United States, did attempt to bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **29th** DAY OF **APRIL 2008**.

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Luis MALDONADO-Castro** is citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 27, 2008, at approximately 10:40 PM, **Miguel Dario FLOREZ (Defendant)** made application for admission into the United States from Mexico at the Otay Mesa, California Port of Entry via the vehicle primary lanes. Defendant was the driver and sole visible occupant of a white Ford F-250. Upon inspection before a U.S. Customs and Border Protection (CBP) Officer, Defendant gave two negative customs declarations and declared United States citizenship. The CBP Officer received a computer generated referral and subsequently escorted the vehicle and Defendant to secondary for further inspection.

In secondary, an adult male was discovered in a non-factory compartment underneath the seat. The adult male was covered by a piece of sheet metal screwed to the frame of the seat. Four screws were removed from the driver side and four screws were removed from the passenger side of the sheet metal in order to remove the adult male from compartment. The male was determined to be a citizen of Mexico without legal documents to enter the United States and is now identified as **Luis MALDONADO-Castro (Material Witness).**

During a videotaped interview, Defendant was advised of his Miranda rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant stated he was recruited by a Hispanic male at the St. Vincent de Paul center to drive a vehicle across the border in exchange for $400 USD Dollars. Defendant admitted that while driving the vehicle and waiting in line to cross into the United States, Defendant felt movement underneath the seat. Defendant admitted that he thought something was wrong with the vehicle since he was getting paid $400 USD to drive the vehicle across the border.

During a separate videotaped interview, Material Witness admitted he is a citizen of Mexico without legal rights or entitlements to enter the United States. Material Witness stated he made his own smuggling arrangements with an unknown Hispanic male in Tijuana, Mexico. Material Witness stated that he was not going to pay to be smuggled into the United States. Material Witness stated he was going to Los Angeles, California to seek employment.